

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Kenneth H. Remley, II
Dawn R. Remley

Debtor(s).

: Case No.: 14-21423-GLT
: Chapter: 13
: Date: 7/18/2018
: Time: 09:30

FILED

JUL 18 2018

CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA

PROCEEDING MEMO

MATTER: #170 - Continued Motion for Relief from Automatic Stay by JPMorgan Chase Bank, N.A.

APPEARANCES:

Debtor: Dai Rosenblum
Trustee: Ronda J. Winneccour
JPMorgan: Jodi Hause

NOTES:

Court: Continued the hearing from June 20, 2018 to see what would happen with the amended plan, but the trustee filed a certificate of dismissal showing an arrearage of \$22,000.

Hause: The arrearage is now about \$27,000.

Rosenblum: The numbers speak for themselves. Requests a drop-dead order to give me a chance to discuss the Debtors' options with them.

Court: Is there no additional income?

Rosenblum: There is income. Mr. Remley is the primary earner, and the Debtors assure me his income will go up again. The Debtors have been making payments, although they're at the amount required by previous plan.

Winneccour: There's already a certificate of default pending.

Court: The drop-dead order would be on the certificate of default.

Hause: Requests relief from stay today. Does not consent to a drop-dead order under these circumstances.

Court: Mr. Rosenblum's request is reasonable. Either the creditor or the trustee can file an affidavit of default.

OUTCOME:

1. The Court will implement a drop-dead procedure on the trustee's certificate of default [Dkt. No. 183]. To the extent no full payment is received within 30 days and every 30 days after that, the Court will dismiss the case without prejudice upon the filing of an affidavit of default. (Chambers to prepare.)
2. The hearing on the Motion for Relief from Automatic Stay [Dkt. No. 170] is continued to August 15, 2018 at 11:00 a.m. To the extent the Debtor does not timely remit plan payments before then, the Court may grant the Motion for Relief from Automatic Stay [Dkt. No. 170] without further notice or hearing upon the filing of an affidavit of default (Chambers to prepare.)

DATED: 7/18/2018